

STAT

8 February 1978

*for approval
and comments
prior to final
approval*

MEMORANDUM FOR: Assistant for Information, DDA

FROM :
Chief, Records Administration Branch

SUBJECT : The Moratorium on the Destruction of
Agency Records

REFERENCE : DDA 78-0166 dated 13 January 1978,
Subj: Lifting the Moratorium on
Destruction of Agency Records

1. A Senate Resolution, specifically SR-21 dated 21 January 1975, established a Select Committee to study Governmental operations with respect to Intelligence activities. In a 27 January 1975 letter, Senators Hugh Scott and Mike Mansfield requested the DCI to prevent the destruction of records which might have a bearing on the subjects under investigation, including but not limited to all records or documents pertaining in any way to the matters set out in section 2 of SR-21. In response to this request, the DCI, on 28 January 1975 declared the moratorium on the destruction of Agency records. On 20 April 1976, the DCI ordered that new Agency records control schedules be prepared by the Agency and approved by the Archivist of the United States prior to the destruction of any Agency records. In a memorandum dated 3 June 1976, the DCI informed Senators Scott and Mansfield of CIA's intention to resume the destruction of records in accordance with prescribed laws. However, in a 9 June 1976 letter to Senators Scott and Mansfield, the Chairman of the Senate Select Committee on Intelligence (SSCI), Senator Inouye, extended the moratorium for six months. The DCI was so advised by Senators Scott and Mansfield on 10 June 1976. Accordingly, on 22 June 1976, the DCI informed all Agency offices that the moratorium on the destruction of records was to be extended until 10 December 1976. Meanwhile, the Agency has prepared and submitted new and updated records control schedules to the Archivist of the United States and has provided complete copies to the SSCI.

To date, all but one of these schedules have been approved by the Archivist of the United States. On 21 December 1977, Senator Inouye informed the DCI that the records destruction moratorium had not been further extended and, therefore, all agencies maintaining records pursuant to SR-21 (the moratorium) may return to normal records destruction policies.

2. Throughout 1977 and continuing into 1978, the Agency has been inundated with requests for information and documentation from four additional committees. The Senate Select Committee on Ethics, the House Committee on International Relations, and the House Committee on Standards of Official Conduct, have submitted eleven (11) extensive requests for information relating to the Republic of Korea and/or KCIA activities. The House Select Committee on Assassinations has submitted eleven (11) requests for information and documentation dealing with assassinations, primarily those of President Kennedy and Martin Luther King. These requests have, in effect, reimposed the moratorium which had existed previously.

3. One very important factor which is being overlooked, however, is the authority granted by the Archivist of the United States and the approval received from the Chairman of the SSCI, the one Committee empowered to place a moratorium on the destruction of our records in accordance with a Senate Resolution, to proceed with the normal destruction of our records in accordance with records control schedules approved by the Archivist.

4. Any election now to disregard the authorities the Agency has received, and impose an in-house moratorium on the destruction of records, raises two very serious problems. The first and most serious, is that the Agency will not be complying with the mandatory instructions for disposition of records set forth in the records control schedules approved by the Archivist. Any and all deviations from these instructions must themselves be approved by the Archivist of the United States and the SSCI. The second and perhaps equally serious problem is the strong possibility that as the requests of one committee are satisfied, other committees, existing or to be created, could impose similar requirements. This could develop into an unending vicious circle.

5. In addressing paragraph five (5) of the referenced memorandum I would like to suggest the following approach to the problem:

a. That we prepare a complete set of records control schedules and forward them under a covering memorandum to the House Select Committee on Assassinations.

b. That we list in the covering memorandum those items in the schedules that can reasonably be expected, in light of requests already received from the Committee, to contain information pertinent to that Committee's investigation. The memorandum also should refer specifically to the mandatory disposition instructions related to each such item. (It is possible that all pertinent disposition instructions will far exceed the retention requirements contemplated by the Committee.)

c. That we include as an attachment to the covering memorandum a copy of proposed [] and set forth in the memorandum our intention to publish and implement the provisions of this proposed notice within sixty-days after this transmittal.

d. That a copy of the covering memorandum, including a copy of proposed [] be forwarded to the House Committee on International Relations and the House Committee on Standards of Official Conduct with an added notation that the House Select Committee on Assassinations has been furnished copies of the schedules if any review is required.

e. That a copy of the covering memorandum, including a copy of proposed [] be forwarded to the Senate Select Committee on Ethics and that this Committee be referred to the SSCI for review of the Agency's records schedules if such a review is required.

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